

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cv304**

BRENDA COLLINS)
 Plaintiff,)
))
 vs.))
))
TIAA-CREF, KATHY JACKSON ,)
TARAN NARAYAN, ROBERT SMITH,)
and HERB ALLISON)
 Defendants.)
_____)

ORDER

THIS MATTER is before the Court on the pro se plaintiff’s “Motion for Damages” (Doc. No. 27), the defendants’ Response (Doc. No. 37), and the magistrate judge’s Memorandum and Recommendation (“M&R”) (Doc. No. 41), which recommended that the motion be denied without prejudice to the plaintiff’s right to file a Motion for Summary Judgment at the conclusion of the discovery period.

Also before the Court is the individual defendants’ “Motion for Judgment on the Pleadings” (Doc. No. 42), the plaintiff’s “Objections . . .” (Doc. No. 43), and the magistrate judge’s M&R (Doc. No. 50), which recommended that the individual defendants’ motion be granted, and the Complaint dismissed with prejudice as to Defendant Herb Allison and that the plaintiff’s Title VII claims dismissed with prejudice as to Defendants Kathy Jackson, Taran Narayan, and Robert Smith.

The parties were advised that objections were to be filed in writing within ten (10) days after service of the magistrate judge’s decisions. (Doc. No. 41: M&R at 4 and Doc. No. 50:

M&R at 6). The time for filing objections has since passed and no objections have been filed by either party. For the reasons stated below, the Court DENIES WITHOUT PREJUDICE the plaintiff's Motion for Damages, and GRANTS the defendants' Motion for Judgment on the Pleadings.

I. STANDARD OF REVIEW

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. CONCLUSION

Accordingly, after a careful review of the record in this case, the Court finds that the magistrate judge's findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Thus, the Court hereby adopts both M&R (Doc. No. 41) and M&R(Doc. No. 50) of Magistrate Judge Horn.

IT IS, THEREFORE, ORDERED that the plaintiff's Motion for Damages is DENIED WITHOUT PREJUDICE, and that the defendants' Motion for Judgment on the Pleadings is GRANTED.

Signed: March 30, 2007

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

